

**MINUTES
P & Z COMMISSION HEARING**

September 18, 2008

**ATTENDANCE
P & Z Commissioners**

ATTENDED

1. Wendell DeCross
2. Ruth Ann Smith
3. Joel Lawson
4. Bob Hall
5. Rick Slone
6. Jason Hatch
7. Robert Ingels

Staff Attendance

1. Bill Fraley
2. Linda Elliott
3. Homero Vela
4. Dave Swietanski

ABSENT

Tom Thomas
Carol Davis
Evelyn Meadows

5. Trent Larson
6. Alberto Peshlakai
7. Peggy Saunders

Meeting held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona – Time: 6:00 p.m. to 8:41 p.m.

Wendell DeCross called the meeting of the Navajo County Planning & Zoning Commission to order and then led the Pledge of Allegiance. Mr. DeCross explained the meeting procedures to the public, the housekeeping rules and conduct for all participants.

Item #1 – SPECIAL USE PERMIT: Discussion and possible Commission action on a request by The Church of Jesus Christ of Latter Day Saints (LDS Church), for a Special Use Permit to allow the construction of a church/family campground to provide camping for members of the LDS Church and invited guests on the subject 61.48 acre property known as APN: 207-24-001, in Township 12 North, Range 16 East, Section 36, of the Gila and Salt River Meridian, in the Heber-Overgaard area.

Linda Elliott presented the Staff Report for the camp the LDS Church wants to build; in the District 4 area. Ms. Elliott displayed a site map, showing the route you would travel south on Pine Rim Road to Artist Draw, then approximately half a mile down South Meadow Drive. Ms. Elliott also pointed out the location of Highway 260. This property and properties surrounding it are all zoned A-General. The area is surrounded by forest land and meadows, and is covered with Pine Trees and Pinion foliage. There are open spaces directly to the east, west and south of the proposed site. The area is generally flat with scrub brush vegetation. The predominant use is currently a church camp; the land is owned privately, and the site is completely surrounded by the Sitgreaves National Forest. Ms. Elliott pointed out the access point on South Meadow Drive, granted by the Forest Service by Special Use Permit, on March 1, 1989. The stated reason for the request is to provide camping for members of “The Church of Jesus Christ of Latter Day Saints” (LDS Church) and invited guests. The capacity of the facility is limited to 476 maximum occupancy and is intended to provide an outdoor experience related to wilderness type camping, and to keep the area as pristine as possible. The changing conditions will include the increased traffic going in and out of the property when they have their activities. There is a dirt road that goes back through the forest which could create dust. They will carry in their supplies and carry out their trash, so there will be no garbage pickup. This item has been properly noticed, and posted, and is a use that is allowed with a Special Use Permit. Engineering Staff has no objections to the Special Use Permit. The Flood Control Staff has reviewed the Site Plan, and has no objections, given compliance with the Master Site Plan notes and the Flood Control general notes as shown on the Master Site Plan. The Planning and Zoning staff supports camps catering to youth and the related training and recreation it provides. We have reviewed the Special Use Permit and find it ready for processing. The Heber/Overgaard Fire Department and Emergency Medical Services (EMS) have reviewed the site plan and submitted an approval letter, acknowledging that they have jurisdiction and agree to provide emergency medical service. Navopache Electric will supply the power to the site, and Gas will be provided by an onsite propane tank. The Water supply will come from an onsite well with three, ten thousand gallon water tanks. As stated previously, the garbage service will be handled on a pack it in pack it out requirement. The P&Z Commission packets included a letter from Forest Service District Ranger, Kate Klein, which stated that the Ranger District has satisfied the access requirements to the site and they do not intend to grant a secondary access. All development and

construction on the site must adhere to the County's permitting requirements and conditions including grading and drainage requirements as stated by staff. Ms. Elliott displayed a photo of the gate where the property has been granted access from the Forest Service. An aerial photo of the property was also displayed showing the location of the proposed buildings and church camp (approximately one mile off the Forest Service road), as well as the location of the Buckskin Artist Community. **Ms. Elliott** added that she received five emails with concerns and questions from neighbors; and will be sending out answers via email by September 19th, 2008.

Applicant/Developer: **Donald Perkins** of Hook Engineering represented the developer who has been working on this project for some time. The camp site is intended primarily for a Girls Camp, which will accommodate 476 campers, with three separate buildings proposed, which would contain bathrooms, a covered porch, and kitchen facilities so it can be used as a chow hall once a day for meals. There are some drainage issues they are working out as well as the easement. A Special Use Permit was signed in 1974, with the Forest Service for the access, and it has been in place for quite a while. All parties, the Forest Service and the client, are required to meet the obligations of the Special Use Permit. Mr. Perkins said he would be available to answer any questions.

In Favor: No one from the public came forward to speak in favor of the project.

Opposed: **Lee Burger**, President of the Buckskin Artist Community said we have a real misnomer going on here because Meadow is a private road owned by the Buckskin Artist Community. It was founded with the community in 1962, and it is registered with Navajo County. It is a road that he and his committee maintain each and every year, along with Rock Ledge, Deer Hill and others. He negotiated with Kate Klein of the Forest Service on Artist Draw, which she pays up to \$25,000 per year for his people to maintain because she issues permits for wood cutting, cattle grazing and whatever, out in the forest. He has absolutely no agreement with the Forest Service or anybody else on Meadow. He maintains it every year, and it is part of their budget. They are a very small community, with 173 home owners, full time and on weekends. They don't want 465 people going up and down their roads. He has talked with the six people on Rock Ledge and Meadow, and they are very much against the park. He is part of the Lions, and they support the youth camp in Show Low, they very much support the Salvation Army. They are not against the idea; he just can't take the excess traffic, noise and everything going up and down their little road, and unfortunately, they own the road. He would be happy to go to the Supervisors meeting to show the written authorization to where that is part of all their property. Everybody in that area going to the fence, (which he pointed out on the map) is a homeowner, and they pay their dues every year to the B. A. C. Those are all of their roads up and down the area. Kate Klein, or anybody, has no right or access to give or write a Special Use Permit for something they don't own.

Bill Fraley asked Mr. Burger, if when he said he owned Meadow Road, is it dedicated? **Mr. Burger** responded that Buckskin Artist Community has owned it since 1962. They own Meadow, Pine Cone, Deer Hill, and all the roads in the two sections he pointed out on the map. **Mr. Fraley** asked this question in order to clarify those statements because they checked today and Pine Rim is in the County maintenance system, as well as Artist Draw. **Mr. Fraley** pointed out Meadow Road where it goes into Forest Service land and asked Mr. Burger; when you say you own the road, has it physically been dedicated, or do you just maintain it? **Mr. Burger** said it is part of the property that was bought in 1962, and they own all of those roads. Artist Draw and Buckskin Canyon, the paved part is maintained by the County and the unpaved portion is maintained by the Buckskin Artist Community. Pine Rim, Meadow, Rock Ledge are all owned in total by the Buckskin Artist Community, and homeowners therein. **Mr. Fraley** suggested, (rather than debate it tonight, since there's no access to the records) that staff check into the ownership of the roadway, before the Board of Supervisors meeting. The important issue being made here is that there are a number of homeowners who are responsible for maintaining a portion of the roadway, and they are objecting to what the camp is going to do, with the number of people going in, and using that access. **Mr. Burger** agreed that was correct, but the other portion of that is, "basically they are all old retired people", and the possibility of 460 kids in there for the weekend and everything, causes concern. He knows the property is owned by the church, and they will drill their own well, so they won't utilize their water or anything, but the roads to get in and out of there are owned and maintained (by BAC) and were filed in 1962. He has copies of all those documents in his office. **Mr. Fraley** understood his concerns on the number of people, and agreed, there will be an impact, there is no question about that, but he wanted to clarify for the Commission's sake, the only thing the Forest Service granted a Use Permit on, was the access onto their land, not the portion leading up to their land. We understand your concerns on maintaining this portion and it being utilized by others. **Mr. Burger** said it is not a lot, it is less than one half a mile from Artist Draw all the way back. What you're not seeing is the next road is Rock Ledge, and they have home owners in very nice homes all up and down there, and they are homeowners that pay for upkeep on that road. We have not had any contact whatsoever in regard to granting any utilization. All he can do is put up a No Trespassing Sign and they just can't use it, until you get back with him and his road committee to discuss it, but unfortunately it doesn't look favorable at the moment.

Ronald Eddy, who is also a member of the Buckskin Artist Community and a Board Member said he is not against the camp, but it is a real problem with the ingress going by the homeowners on that portion of Meadow that leads up to the Forest Service gate. They have tried to get the County and the Forest Service to help with the materials to manicure that road and make more usable, because it was in pretty bad shape. They said that was our responsibility and were told we own the road. Rock Ledge Road dead ends into Forest Service fencing. We originally thought they wanted ingress through there.

Ms. Elliott explained the sign was for noticing only. The other point he wanted to make was the possibility of using the access off Forest Service Road 50. There are two roads that go in to 50 in the same area. They would have to be graded to make them very usable, but that would be a much better way to access the camp. Then the homeowners who live right on Meadow wouldn't be impacted. He said he is not against the youth camp, he thinks it is great, but the access is the problem.

Darrell Sheppard resides in the Buckskin Artist area, and he is not speaking in opposition of the camp, but there are things that appear to be problematic, and one of them is the almost total lack of communication between the individuals who wish to develop, which would otherwise be a really good thing for kids, and the people that would be affected. One of the difficulties they have is that there are a host of questions that might be easily answered to our satisfaction, or we might be able to do a little bit of discussion and horse trading with the folks that want to do this, but, we don't know. Just as an example, we were told there would be a permanent church, but the developer who spoke earlier didn't mention anything about a permanent church. A permanent church suggests there would have to be construction equipment moving in and out in my neighborhood and down my roads. It doesn't say when it would be built, or how long it would happen, how many people would be involved in it, and whether or not some people might like to attend church at that place when camp is not in session. Would there be hundreds of vehicles going up and down our private roads, at least twice weekly or more frequently. We don't know. If there is a permanent church, presumably 3 10,000 gallon tanks for some girls occasionally, those must be some thirsty girls. There are lots of things that we don't know. We don't know if the owners or developers will erect permanent fences that will prevent us folks who like to access the national forest from getting in there or if the wildlife will be excluded from the area. We don't know whether the creek that intermittently runs through there will be impacted, whether or not these kids are going to get flooded out. We came real close last year and had a long battle with the County over the 100 Year Flood Plain, and were concerned because that creek ran well over its banks twice last year. We don't know what will happen if they think they have to improve the road. You can't get through there numerous times a year even if you've got good 4 wheel drive. It's indicated by the developer, who is probably telling the truth to you folks, that there would be just some girls, some time. But it does interest us very much to know whether it comes later if there will be a permanent structure, or whether or not there is a build out plan. If there is a Special Use Permit, there may be more Special Use Permits, there may be literally hundreds of people here occasionally, and though we don't object to some ladies learning about the environment we love, it could be a real different thing down the road. All they are asking at this point is free and open communication with the people who love this part of the county.

Ronald Eddy, wanted to point out a miscommunication and clarify which roads they maintain. They do not maintain the paved portion of Artist Draw. Artist Draw continues up into the Forest but it is a dirt road. Kate Klein of the Forest Service does pay them to maintain that portion and put materials down, etc. Not the paved roads, just the unpaved roads in the community.

Charlott Johanson is part of the Buckskin Artist Community and lives on Buckskin Canyon Road. Again, like everyone else has said, the County maintains Artist Draw and Buckskin Canyon. All the feeder roads off those two streets are maintained by the Buckskin Artist Community. South Meadow Road is also maintained up to the gate. Her concern was when the camp goes in; they will lose the access they use now through the property because it is a great place to take people horse back riding through the meadow and into the forest. Is the community church going to block them from going in there? Do we have to take another route, or actually build another route to go back into the forest? She also added that there is another route off FS 51 or 52 to that property the camp could use instead of using South Meadow.

Robert Ingels said if the core of the property is where the primary intensity of use will be, he would think they were adequately buffered from the transition from the adjoining properties, which are primarily Forest Service land. He sympathizes with the home owners on a private ingress/egress to a camp, and agrees they have some legitimate concerns. He feels that under the purview of this commission, there should be some consideration of contributions, if that road is going to receive much heavier use because of the site plan. Staff has not made recommendations concerning that, and the proposed developer may wish to address that issue to the commission and the neighbors. Mr. Ingels was impressed that the developer had the foresight to plan to bus the individual campers. Groups of 30 to 60 at a time on a bus would really limit the negative impact from a lot of vehicles coming and going from the site. If the terms for allowing a Special Use Permit would only cover the seasonal use between April and October, with no commercial use, Mr. Ingels said the Heber Fire Chief seemed comfortable that the existing roadway would be better than the "two track", and their four wheel drive vehicles would have the ability to get to and from the site. Mr. Ingels was unable to visit the site, so he would have to trust the

interpretations expressed about the accessibility to the site. Again he reiterated the need for more communication between the proposed developer and the neighborhood homeowners.

Joel Lawson, asked Staff, *if* the road was truly owned by the Homeowners Association, do we have any right to grant a Special Use Permit? That is something we need an answer to before we can go any further.

Bill Fraley agreed it is a valid concern, *if* the road is owned by the community. That's something that staff will have to check. If it is established that they *do* own the road, would the Homeowners Association be open to meeting with the owners of the camp to negotiate a payment to help improve the roads. **Joel Lawson** asked if that could be some kind of joint use or maintenance agreement. **Mr. Fraley** said that might be possible, but by the same token, the camp has been using the roadway, on a limited basis, up to this point. He suggested that perhaps Mr. Perkins would be able to answer some of the questions, such as how many times will the camp be utilized, the duration of each stay, and the cost to maintain the road. There are already certain buildings and roadways, on the property, and there will be areas for camping in tents. **Mr. Fraley** wanted to reiterate that no construction of any sort will take place until all the flood control studies are addressed. Until the checks and balances and all permits are in place, and adhered to, they will not be allowed to start building.

Donald Perkins answered the questions and concerns brought up by Staff, the Commission, and those in attendance as follows:

1. There is no planned activity for a permanent church on the property; that is not what they were hired to do. They were hired to develop a campsite, with three permanent structures; they are not into the architectural design stage. Each of the three buildings will be masonry block, with bathrooms and showers, a covered area for meeting and a cooking area. Mr. Perkins pointed out where an amphitheatre with a 10'X12' pad would be located, with seating made of CMU's (Concrete Masonry Unit) or wood. The location may change.
2. Forest Service Road 50G ties in to the area pointed out on the map, but the Forest Service said they already met their obligation, and will not grant any other access. Mr. Perkins did not realize the road belonged to a Home Owners Association, and took responsibility for the oversight.
3. The three 10,000 gallon water storage tanks are required for accommodating fire fighting suppression, (as well as thirsty girls). There is a formula that is used to determine the quantities, and they are required by law to accommodate those safety factors. They are also required to put in a minimum of six inch water lines with fire hydrants to those buildings. The minimum required capacity for water storage was 26,000 gallons so they rounded up the number to 30,000 gallons.
4. The Special Use Permit granted many years ago, was for six tenths of a mile on property that belongs to the Forest Service where they granted access. That is not South Meadow Road.
5. The Tent Cluster structures are "built up" ground with a piece of redwood around it to keep the dirt/sand for the tent pad in place.
6. Flood issues have to be addressed before anything can take place,
7. The application for the Special Use Permit is only for camping. No other permit has been applied for through Hook Engineering, and they are not aware of any other intended use.
8. The intended use for camping would start sometime in May or June through August, during the months when school is out. A typical camp will last anywhere from three days to one week.
9. Traffic: **Mr. Perkins** did not know how much traffic would be going in and out, they intend to use busing for the campers, as they have for other camps, to limit the impact, They usually bus in and have support vehicles that come on site for staff. **Mr. DeCross** was familiar with two other camps of this type, and once the campers are on site, they usually are not allowed to leave.
10. The issue of being cut off from the use of the forest, or if it will in any way curtail the access or use the public now enjoys, **Mr. Perkins** said it would, in so far as the property will be fenced, but any restrictions onto and through the property would be decided by the client.
11. Alternate Road Access: The other existing two track roads are in bad shape with a lot of debris from fallen trees, as are the other roads that go around the property. **Bill Fraley** said it appears they are talking about other roads that go in to the Forest Service land that can only be accessed by going across this private property. **Mr. Perkins** has not been through all the other roads, but Forest Service Road 50G ties into FS 50 or 51. That is the road the Forest Service said, (under their new Travel Management Plan), is slated to be closed, along with others. He was not sure how good any of the other roads were. **Mr. Fraley** just wanted to clarify that the fencing will only cut off access that comes in the road and through the property and out to the Forest Service land.

Joel Lawson asked if a Special Use Permit is needed to invite people onto their property to camp, or is it to put up buildings. If they own the property they should be able to invite guests to camp without an official notice. **Mr. Fraley** agreed; the camp has been there for quite some time, but since they want to upgrade, they must come into conformance with

today's laws. If the buildings weren't put up, they could continue to camp just as they always have. **Mr. Lawson** felt it might be an opportunity for the Buckskin Artist Community and the developer to get together and maybe trade some access to the camp, for access to the meadow; because they could fence the property without a permit. **Mr. Fraley** agreed, but what concerns us is the access. He highly recommended that the Commission take no action until staff satisfies the question of ownership for Meadow road. During that time, we would recommend the developer have a meeting to layout the project for the Artist Draw Community. This would give them an opportunity to outline what they are proposing so there would be no misunderstandings. **Wendell DeCross** questioned the President of the Association, concerning their ownership of the road. Is it open to the public right now, and do you allow people to go in there to walk and hike that road? Do you allow them to come in and park? **Lee Burger** stated, our roads are quite private, they are designated for homeowners. The only road that is open for free access is Artist Draw going up to the Sitgreaves. That is the only one we have free access to, They receive \$25,000 from the Forest Service because they are hauling lumber out of there and there is cattle back there. That road is built specifically for traffic every other road in the entire community is basically built for 4X4's for a couple of homeowners. **Mr. DeCross** confessed that he trespassed if that was the case because he used that road to go inspect the property. Another vehicle was also there, so they too were trespassing. You have to stop at the gate. **Mr. Burger** said he suggested the gate to keep people from going in there. **Mr. DeCross** said earlier Mr. Burger stated that he had never given anyone permission to use those roads, but he saw two locks on the gate. One was a Forest Service lock, which they keep locked at the request of the ranchers, and he assumed the other lock was put on by ranchers because of the cattle back in there. **Mr. Burger** said the other lock is for the LDS Church, because they own the property. The Forest issues permits for cattle but the permit is down Artist Draw. **Mr. DeCross** said he did not recall seeing a sign that said private road. **Mr. Burger** said none of the area was signed. They have worked for two years with the Corps of Engineers because the creek really gets heavy coming through there, and they have allowed us to build that Berm up, to keep that up and everything, over and above but we have not, and I don't know if they need to give us permission to build that road up so we could do buses and everything down through there. There is very little traffic up and down there so consequently we keep it up at a minimal stage. There are only three homeowners, so other than horses there is not a lot of traffic there. He spends about \$10,000 per year where on Artist Draw the Forest Service gives them \$25,000. He probably spends \$35,000 to \$40,000.00 on that road. They have traffic all the time. They are just not prepared for that amount of traffic that amount of buses that amount of food service or whatever is going to be going in and out for three months. It would be a major adventure to put a commercial road in there as opposed to what we have for three homeowners. **Mr. DeCross** was concerned as to why the County is maintaining a private road? **Mr. Burger** said the county maintains the paved part, because of the fire department access. Artist Draw and Buckskin is the other route to go around the city in the event there is a problem on SR260. They've got to have access so the county maintains all the paving and everything on the access from Artist Draw to Buckskin. They do not maintain the road from Artist Draw up to the forest.

Discussion with the Commission, Staff and Homeowners included: Access/Ownership of Meadow Road and the maintenance of that road, when asked if they would consider allowing access with some agreement made with the developer, **Mr. Burger** said he would consider it, but it did not look favorable. The Forest Service Travel Management Rules that will close all the other routes into the area were also discussed. The Homeowners expressed concerns about the number of campers, privacy, and noise from kids, as well as the traffic that may increase. They felt there were too many unknowns. A meeting with the developer and the community members was recommended to clear up any misunderstandings. **Bill Fraley** again strongly recommended the item be tabled until the question of ownership was answered. **Joel Lawson** made a motion to table the item, but staff concerns over the lack of a time frame caused the motion to die without a second. After further discussion, **Robert Ingels** made a motion to table this agenda item until the third Thursday in November, which is the 20th, 2008. **Ruth Ann Smith** seconded the motion. The motion passed unanimously, with a vote of 7 to 0.

Item #2 – TENTATIVE PLAT: Discussion and possible Commission action on a request by Larry Knipp, for a Tentative Plat for the proposed “Rimside at Rainbow Lake” subdivision, on the subject 113.4 acre property known as APN: 212-34-001, 003A, 003B, 004A, 004E, 007, 008A, 008C & 212-45-001 in Township 9 North, Range 22 East, Section 27 of the Gila and Salt River Meridian, in the Pinetop-Lakeside area.

Bill Fraley reminded the Commissioners that this item was previously before the Board of Supervisors and Planning Commission. Mr. Fraley pointed out the location of the subject parcel and the parcel for Item #3, The Village at Rimside, previously submitted as a multiple family use subdivision, this has since changed and will be presented later at this meeting. This subdivision is zoned R1-10. The zoning change and site plan have both been approved by the Planning Commission and the Board of Supervisors. The parcels are located in District V, Pinetop-Lakeside, and the subdivision name is Rimside at Rainbow Lake. The point of contact is Joshua B. Cameron and Larry Knipp, owners. Danny Shurter of Ironside Engineering was present to represent the owners. The residential area consists of 113.4 acres with a total of 146 residential

units. The approximate size of the lots .5 to .97 acres. The roads will be private and paved, with the exception of Rim Road. Mr. Fraley pointed out the location of Rim Road where it will connect with Larson Road on the map. The developer is proposing a 66 foot right of way along a portion of Rim Road. The only access onto Rim Road will be lots on the south side of Rim Road. Mr. Fraley displayed another plat map, and explained that one of the issues the Board of Supervisors was adamant about was a 20 foot non-buildable area all along the reservation property line, and that has been applied by realigning the road to push it to the north, to satisfy the 20 foot no-build area. The sixty six foot right of way includes an eight foot PUE (Public Utility Easement) on either side within the right of way. All the lots inside to the north of Rim Drive will be accessed by the streets within, they have also put in a one foot non-access, to control backing onto the highway. The community will be gated at two locations. Mr. Fraley wanted to address the “knuckles” to be discussed by the engineers, and they will be requesting another stipulation or condition be placed on the resolution (if it is approved); to allow them to take another look at the areas where the “knuckles” specify the access to lots, *prior* to the Final Plat to make a determination that it is in fact the best place to access that lot, primarily because of the grade. This point should be taken into consideration *before* an action is taken. The sanitation will be provided by the Pinetop-Lakeside Sanitary District, there are no variances requested. Engineering has completed the review of the Tentative Plat and they feel it is ready to process before the Commission and move on to the Final Plat. Flood Control recommends approval of the Tentative Plat. Their review of the development indicates the parcels are not in a flood hazard area. The storm drainage facility shall be designed and constructed so as to ensure that the post development flow from the development site is not greater than the pre-development flow for the two, ten, fifty and one hundred year flood events. Flood Control recommends approval contingent on a re-submittal of the Drainage Plan that meets the current Navajo County Drainage requirements. The Engineering comments also included a preliminary Drainage Report was submitted and reviewed, but they will require a final drainage report prior to approval of the Final Plat. This again addresses Flood Control’s comment. From the Planning standpoint, we have completed the review, and feel that it is ready for process by the Planning Commission. Should the Commission grant this Tentative Plat Request, the Public Works Staff recommends the conditions listed be applied. **Wendell DeCross** asked if the 20’ non-buildable landscape buffer was part of the setback, or in addition to a normal setback. **Mr. Fraley** answered that it was not specified by Public Works, but that is something the Commission might address. The Board of Supervisors asked them to put in a 20 foot non-buildable area, but they did not specify the difference either.

Applicant/Developer Representative, Danny Shurter, of Ironside Engineering clarified that the 20 foot buffer was discussed at previous meetings, and they asked that the buffer be part of the normal 20 foot setback. About a week ago they found that they had an issue with the lots along Rim Road. They had design perimeters already, because there is an existing water line by Arizona Water, so they had to shift the road a few times to accommodate the lots. The County approached them and gave them another design challenge to eliminate access onto Rim Road. That was one of the ideas they came up with for all the “knuckles” they have along Rim Road; but that posed a few problems with the water line and the right of way. The new design came through and they actually got rid of the “knuckles” and maintained the lot size per the code. In doing so, they thought they should look at all the “knuckles” they have in the project, and their client is more that happy to look at that. What they still will do is limit the access from the south side of Rim Road to one per lot on Rim Road, and those within the gated project will not be allowed to have access on Rim Road, they will have to go through the project itself. There is a one foot non vehicular access easement bordering those lots, as well as the perimeter of each one of the projects he will talk about at this meeting. They had the Forest Service and State Land workers come in to thin the forest, and were able to salvage quite a few of the well established, taller pine trees in the area. There is a trails master plan for the interior of the projects and exterior on Rim Road that locates about four different tracts with trailheads that are proposed for a tract and one that is for drainage. A larger tract on the map has a bigger trailhead with ramadas, and possibly barbeque grills for the community to get together and spend time with each other. All interior trails link together to provide safe access through the project. Rim Road was another design challenge because it will be a major road for Navajo County in the future, which was the reason for the wider 66 foot right of way to match the existing roadway. The Traffic Control Plan shows it will eventually be a master road going all the way out to SR260. That gave them some design constraints to offer a trail through there. Originally they were going to offer a 15 foot meandering trail in the County Right of Way but the County was not in favor of that so we came back with an offer for an eight foot trail on the back sides of the lots. Again, that would not be in addition to the setbacks, it would just be part of the setbacks. **Mr. Ingels** said Rim Road was defined as one of the alternatives because of its connectivity to serve as a back up road if there were severe problems on SR 260. **Mr. Ingels** said he has watched this project progress, and he is very pleased to see that it has remained public; however, he asked about the 66 foot right of way along the road, and the trail way that would accommodate pedestrian and bicycle use. Would the trail be in the right of way or as stated earlier, in the back yard, and would the trails continue to the end of the project or just to an interior road. **Mr. Shurter** said the County recently asked them to reconsider that item, and now the trail would basically be a walking path or something of that nature which would actually hug the right of way but would also be inside

the back of the lot; which you could follow all the way down until it connects to the next trail. There are interior trails in the gated community that would link them into the other existing trails.

In Favor: No one from the public came forward in favor of the project.

Opposed: No one from the public came forward in opposition of the project.

Robert Ingels said there was probably a preliminary traffic analysis that has been done, and is it from that determination there is only minimal changes needed to the intersection of Larson and Rim Road, and is there no need to upgrade Larson Road because of the impact of this project, or how far has the traffic analysis research been done. **Dave Swietanski**, from the engineering staff answered, this is a key interchange, and it was stipulated that they submit a traffic analysis study before Final Plat. It has not been done at this time, but it will be addressed at the Final Plat Stage of this project. Mr. Ingels asked Staff to address the improvement regarding pedestrian and bicycle safety; he was not aware of any thing proposed in writing, as to where the pedestrian or bicycles would be able to use a portion of that Right of Way. **Bill Fraley** said that was part of what Mr. Shurter was saying, but the County's position is that we don't want those in the Right of Way. That is why the developer has gone back to take it out of Right of Way and put it back on the lot. We need to address the Roadway Section on the drawing that is wrong; and if the Commission should approve this item, we will not have the Chairman sign the Tentative Plat until after the corrections are made on the Plat, and Engineering approves those corrections. **Mr. Ingels** appreciated the clarification and has heard concerns from Home Owners and other residents regarding pedestrian and bicycle safety, and the value of Rim Road in the general plan. He appreciates the consideration given on the Tentative Plat, for those kinds of issues to be dealt with. He feels it is more and more important to encourage alternatives to automobile use on our roads when the design is done; we have to put it on paper and hope we get the build out.

Bill Fraley commented on the traffic impact analysis which will also impact the next item on the agenda, and Larson Road. The sequence of events starts with the Zone Change with the accompanying Site Plan, and then we do the Tentative Plat. Until the Tentative Plat we don't require the Developer and their Engineer to pay the cost, to do the final studies until approval has been given on the Tentative Plat, then they know what direction to go, to complete the Final Plat and go to the Improvement Plans. The intersection is still at large, as well as Larson Road where it enters into the next item on the agenda, and the width of Larson Road turning lanes, etc. **Mr. DeCross** said, for historical reasons he is very pleased that Rim Road is not going to be closed, and it will remain open on this project. **Mr. Fraley** said it is the position of the Public Works Department that it would be nice if we could keep Rim Road open, from one end to the other, and with the developers we are working with at this time, we are making it a strong request, and in some cases a demand to keep that road open. At this point staff has had good cooperation with that request.

Robert Ingels made a motion to recommend the acceptance of the Tentative Plat know as "Rimside at Rainbow Lake", and requested that staff add a third stipulation to those the Public Works Department provided, to include that the "knuckles" on the Rim Road location will be addressed further, prior to the Chairman's signature. *1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans). 2. A 20 foot non-buildable landscape buffer easement shall be observed along the subdivision boundary adjacent to the Fort Apache Indian Reservation. 3. Prior to Final Plat submittal, applicant will review the "knuckle" lot access to determine the best entrance to lots fronting south side of Rim Road.*

The motion was seconded by **Bob Hall**. The motion passed unanimously, with a Vote of 7 to 0.

Item #3 – TENTATIVE PLAT: Discussion and possible Commission action on a request by Larry Knipp, for a Tentative Plat for the proposed "The Village at Rimside" subdivision, on the subject 12.4 acre property known as APN: 212-34-003A, 004A and 004E in Township 9 North, Range 22 East, Section 27 of the Gila and Salt River Meridian, in the Pinetop-Lakeside area.

Bill Fraley explained, the last time this proposal was before the Commission, was for the zone change and the Master Site Plan; there were 94 units in the multiple family proposal portion of the project. It was very obvious that the members of the Commission were uncomfortable with that, and Staff was not in favor, and felt the density was way too high. The developers and their engineers met with the staff, and proposed, rather than fight the issue, to drop the multiple family uses, the condominiums, the town homes, and such, and redesigned the project to a single family lot subdivision. We had already advertised before the board, when this happened, and we went to the County Attorney's Office, explained the situation, and he felt that since it was such a "downsize" that the number of units per acre were cut into less than half, that it was okay to go ahead with that public hearing with the Board of Supervisors with the site plan and this configuration. Staff is much happier with this configuration than what was proposed before. With that said, Mr. Fraley presented the staff report. The Village at Rimside consists of 12.4 acres with a total number of units at 47, with the approximate unit size of .12 acres to .3 acres. The average unit size is .16 acres. All the roads will be private and paved, and gated as pointed out on the site map. They will be in a sanitary district on sewer. There are no variances requested. The previous access locations, as a multiple

family project, were pointed out, along with the proposed change of access to property off Larson Road; staff felt this was a much better solution. Open areas and wetlands were also shown on the map.

Engineering has completed their review of the Tentative Plat and a preliminary Drainage Report and are requiring a final drainage report to be submitted and approved by the County Engineering Staff prior to the Final Plat.

Flood Control Staff concerns are the same as on the previous item, subject to the Final Drainage Report being approved, so the Storm Drainage will be designed and constructed, so as to insure that the post development flow from the development site is not greater than the pre-development flow, for the two, ten fifty and 100 year flood events. Flood Control recommends approval contingent upon those requirements being met.

Planning & Zoning feels that the Tentative Plat is ready for process and the developer has met all the requirements. The Public Works Department's recommendation to the Commission should you choose to approve this Tentative Plat, include the Conditions as listed below.

Applicant/Developer: **Danny Shurter** some of the statements brought up earlier that he wanted to address right away including the traffic study. They have done a preliminary study, but they did not submit it at this time. They have had a few neighborhood meetings in the area, and most of these people are retired or have second homes out of the Valley. They have taken care of their comments by email or fax. Some of their concerns were about safety and some of the trails, etc., so they have tried to accommodate those as much as possible. There are some areas that are limited along Larson Road where they cannot take County Right of Way, and they are trying to work something out to connect all the trails together. All trails inside the subdivisions do connect with both projects, and make for a nice atmosphere for the interior of the project. The second question that seems to be on everyone's mind is Drainage. They have contacted The Army Corps, and they have done a study, they have done the "Topo's", and other things for the project. The Corps has written a letter basically stating right now the project is fine, they are not impacting any jurisdictional waters. On the property the biggest area of concern is close to the area called Frog Island. They are not building homes in that area, they are using the area for drainage as well as a tract for landscaping. These are gated communities, with gates at all the entrances, and they have provided decent access turnaround space to get in and out if they do not have to access the property. They designed a good size access for fire trucks with turnaround access to and from the project; this excludes Rim Road, which is a main road. Originally the project had 116 multifamily homes, but staff was not in favor of that, so this was reworked and eventually dropped to single family lots which actually flows great with the project going in next to it, as well as the other properties around the area.

In Favor: No one came forward from the public in favor of the project.

Opposed: No one came forward to oppose the project.

Joel Lawson asked if the trails would be open to anyone in the community whether they live in the project or not? **Mr. Shurter** answered, no; they are open only for the residents of the subdivisions. Along Rim Road the trail is open and provides a link to Larson and the next developer's land. When asked if they would have put in an easement, Mr. Shurter said there will be a tract for that. **Mr. Lawson** asked if they did that because they felt pressured by the County, or this Commission to put the trails in there, and **Mr. Shurter** said staff had asked about that, but the client wants to build a very good product, so he hired a Landscape Architect/Trails Master Planner to come up with a plan which linked all of them with trailheads. Staff asked if we would consider doing a trail, and at that point we asked if we could put them inside the Right of Way, even though they said no, the developer was absolutely in favor of it, and it just made sense. **Robert Ingels** asked, if a lot owner has the prerogative to come with a design or will there be CC&R's with an architectural theme. **Mr. Shurter** said there will be restrictive CC&R's in place; the client has a theme in mind, which he has not shared at this point, but he has given us design constraints. A draft copy of the CC&R's has been done and will be provided, but those will be finalized in the Final Plat stage. **Mr. Ingels** asked if the setbacks will be clearly stated in the CC&R's. **Mr. Shurter** pointed out that they are stated in the Tentative Plat drawing, but the small scale of the drawing provided in the packet makes it hard to read the typical lot sections. **Mr. Ingels** attended an excellent neighborhood meeting between the neighbors and the developer on this project, and felt the communication between the two groups was extremely beneficial, he also agreed with staff, that the changes made to the Tentative Plat are a great improvement. "Hats Off" for the hard work and the ability of staff to work with the developer and come up with a great project. **Mr. Ingels** also spoke in defense of the importance of the trails, and referred to the Regional Transportation Plan for Navajo County, which reiterates the value of providing for pedestrian, and other than automobile traffic for getting around. He appreciated the fact that developers are encouraged to build those in from the start of the project, which helps their product sell, and becomes a great thing for the community. **Bill Fraley** clarified that CC&R's are typically a part of the Final Plat procedure. As the developer applies for the Final Plat, staff receives CC&R's to review. One of the things we check for, (particularly since this is a Special Development and we are pre-setting the setbacks), is to make sure the CC&R's adhere to what has been approved and are in accordance with what the County requires, drainage issues, open areas, etc., and the maintenance of those and typically a budget is submitted in the Plan and the CC&R's as to how it is to be maintained and funded. **Mr. Ingels** responded that he had the utmost confidence that staff handles all this very competently, but he had one additional question regarding Stipulation Number 3, about the Army Corps of Engineers being consulted. Is a letter for the file provided to staff stating that the Army Corps of Engineers

was contacted and there are no concerns by them, to clear the responsibility that the developer met those criteria as it appears in the stipulation? **Mr. Fraley** said he believed that is correct, and they do review it before they give their concurrence. **Mr. Shurter** added the Army Corps of Engineers was not contacted by the developer; they went through another consultant, SWCA, a firm who works directly with the Corps. The whole process goes faster if you work with someone who knows the terminology. The SWCA has provided the developer with letters from the Corps stating they have no concerns, and the documentation could be provided at the Final Plat stage if needed.

Robert Ingels made a motion to approve the Tentative Plat, "Village at Rimside" as presented, with the three stipulations as provided by the Public Works Department. *1. All technical requirements of the Subdivision Regulations and Requirements, Flood Control Ordinance, Building Safety Ordinance and applicable codes shall be adhered to and approved at the proper Tentative Plat, Final Plat or Building Permit and construction phase (to include, without limitation, the Traffic Impact Analysis, Flood Plain Study, Drainage Study, Construction Improvement Plans and Grading Plans). 2. A Floodplain Study shall be submitted for approval showing the delineation of the floodplain, floodway and base flood elevations. 3. The Army Corps will be consulted, by the developer, whenever the jurisdictions of Waters of the United States are in question.* The motion was seconded by **Jason Hatch**. The motion was unanimously approved with a Vote of 7 to 0.

Robert Ingels recommended that the developer stay to listen to the presentation to be given by Jeff McCormick on Low Impact Development, which will provide information that would be very valid on the higher density developments, and are very environmentally sensible especially if they are looked at early on in the development.

Item #4 – PRESENTATION: Jeff McCormick, Arizona Department of Commerce, presentation on Low Impact Development (LID). Mr. McCormick is the Regional Manager for the Department of Commerce. He said there are eleven economic development districts, or regions in the state, and he oversees the plateau and mining regions which include southern Apache and Navajo counties, all of Gila, Graham, and Greenlee counties, and eastern Pinal county. He works with 20 to 25 communities and other local entities to prioritize and implement their community development, economic development and workforce development programs. He was honored to be at this meeting, and to share the information with the Commission. He came across this information while working in the Pacific Northwest, but he is a native of Phoenix, and currently lives in Show Low. This is something he hoped they would be interested in learning about. Low Impact Development or (LID) is a process of land planning and engineering design that implements small scale features to protect water quality and preserve the natural hydrology of the land. Low Impact Development is an effective stormwater management approach to allow runoff to be controlled near its source. It reduces runoff, recharges groundwater sources, and minimizes on-site dependence on stormwater systems. The presentation included many examples of pervious pavement surfaces which allow water to drain through the surface and filter the water as it returns to the water table below, rather than sit on top of the surface, to cause runoff, icy conditions, or frost heave damage. The material costs are higher, but it is less costly to install. Photos of Bioretention Cells / Swales which use the landscape as a natural basin to contain water runoff were shown, along with charts showing the pollutant removal capability of filtering through the Pervious Surface. Rainwater harvesting examples were also presented to show how simple techniques can be used to save water. Commissioners agreed this was an interesting concept, **Mr. Lawson** liked the idea that it could be market driven and because it would save money in the long run. The Commission expressed their appreciation and thanked Mr. McCormick for his very informative presentation.

Item #5 – Possible approval of the August 21, 2008 Minutes. **Robert Ingels** complimented staff on the accuracy and detail contained in the minutes and made a motion to approve the minutes as written. **Ruth Ann Smith** seconded the motion. The motion passed with a Vote of 7 to 0.

Item #6 – Commissioners Comments and directions to staff. Commissioners may use this time to offer additional comments regarding any item on this agenda or any other topic; and the Commission may direct Development Services Department staff to study or provide additional information on topics of the Commissions' choosing. **Bill Fraley** made staff introductions for the benefit of the new Commission Member, Bob Hall, and to make the Commission aware of some of the recent staff changes in the Public Works Department, such as the resignation of Jim Matteson the Public Works Director and County Engineer. Mr. Fraley introduced **Homero Vela**, the Interim Public Works Director, who addressed the Commission and said it was always a pleasure to be here, and he often hears your comments about staff doing good work. He thinks it is a good relationship because the Commission does excellent work. He acknowledged that the previous chairman always did a good job of managing the meeting, and thinks that Chairman DeCross is doing just the same kind of excellent job in keeping things going. We continue to be challenged by the work that

we do, but we always find the right staff to help us. **Trent Larson** will help manage Flood Control while Mr. Vela takes on the Director of Public Works responsibilities. We have hired an Acting County Engineer, **Bill Bess**, who will be working with us to make sure our developments are according to our requirements, and to the Commission's satisfaction. **Wendell DeCross** thanked Mr. Vela, and looked forward to our continued excellent relationship.

Robert Ingels said, upon reviewing the minutes, the Chairman made a recommendation that staff look into wireless communication tower zoning ordinances. Some of the discussions he had after last months' meeting with homeowners in the Victory Heights area, as well as Mr. Downing, included favorable comments about ordinances that exist in Coconino County stating that tower locations may be limited geographically to no closer than a specific distance. He felt that time should be spent in looking at other ordinances in the state, so that we may be able to come up with an ordinance that would be easier for the Commission to work with, and felt this might be an appropriate agenda item. **Bill Fraley** informed the Commission that staff has been collecting all of the County and City Zoning Ordinances on Cell Towers and when they are prepared, these can be sent for your review. **Joel Lawson** said there also might be some concerns with FCC regulations when making that ordinance. **Mr. Fraley** said that information would be included. **Bob Hall** asked for an update on the CellularOne and Verizon tower, from the last meeting, and if they had worked out a solution. **Mr. Fraley** said we know they have been communicating, but they have not yet come to terms. This item will be advertised for the October 7th Board of Supervisors meeting to go forward at the request of Verizon. They volunteered to hold off one month, but we can't just hold them up. They are still negotiating, but we need to move them forward in case they do not come to terms, they can have their hearing with the Board. If they do reach an agreement they will notify us and we will withdraw the application. **Robert Ingels** asked as a point of order if the minutes taken during the Executive Session remain in a file but don't come before the commission. Staff responded that Executive Session recordings remain locked and sealed. **Wendell DeCross** reminded the Commissioners of the Boards and Commissions Conference December 5th, 2008, at the Black Canyon Conference Center. There is a lot of good information disseminated there to make our jobs easier, and makes the information easier to digest and understand, as to what we need to look at, and how to look at the item, and he encouraged Commissioners to attend. It is usually a one day session and if you can make it, plan on it, it is an excellent opportunity to learn more about Planning and Zoning as well as supervisor meetings, etc. **Bob Hall** asked that information be sent to him on the conference. **Mr. Ingels** and **Mr. DeCross** both plan to attend the Conference.

With there being no further business to come before the Planning and Zoning Commission, A motion was made to adjourn the meeting by **Ruth Ann Smith** and was seconded by **Robert Ingels** the motion carried and the meeting was adjourned at 8:41 p.m.

Approved this _____ day of _____, _____

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Senior Secretary, Navajo County Public Works
Planning & Zoning Department